

***Remarks***

Reconsideration of this Application is respectfully requested. Claims 1-23 are pending in the application, of which claims 1, 9, 11, 14, and 16 are independent. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

***Rejection under 35 U.S.C. § 101***

The Examiner, on page 2 of the Office Action, has rejected claims 1, 4-8, and 16-23 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended independent claims 1 and 16 to overcome this rejection. Applicants respectfully request that the Examiner consider amended claims 1 and 16, and withdraw the rejection of independent claims 1 and 16, and the claims that depend therefrom (claims 4-8 and claims 17-23), respectively.

***Rejection under 35 U.S.C. § 102***

The Examiner states, on page 4 of the Office Action, that claims 1-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,260,011 to Heckerman *et al.* (hereinafter "Heckerman"). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claim 1, the Examiner states that Heckerman teaches each and every element of these claims. Applicants respectfully disagree.

Contrary to the present invention, Heckerman does not teach or suggest every element of Applicants' invention. For example, referring to independent claim 1, Heckerman does not teach or suggest at least the following claimed element: "selecting a best match sentence endpoint based on a forced alignment score." Unlike the present invention, which selects a best match sentence endpoint based on a forced alignment score, Heckerman uses time stamps or other markers that can be used as pointers between the audio and text files to identify alignment points. *Heckerman*, col. 8, lines 24-33.

For at least these reasons, Applicants respectfully submit that Heckerman does not teach each and every element of Applicants' claimed invention recited in independent claim 1. Independent claims 9, 11, 14, and 16 also includes a similar element to that recited in claim 1. Therefore, independent claims 1, 9, 11, 14, and 16, and the claims that depend therefrom (claims 2-8, 10, 12-13, 15, and 17-23, respectively), are patentable over Heckerman. Reconsideration and withdrawal of this rejection is respectfully requested.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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